

FMLA leave to pitch in with newborn grandchild's care?

Q. An employee would like to use FMLA time to spend with her daughter after her grandchild is born later this year. There are no expected complications post-birth, but the new mom will need much assistance. Would this qualify for FMLA leave? — Mary, Illinois

A. Probably not. The grandmother has no right to take FMLA leave to care for the grandchild, unless she stands in as a parent for the child (if the mother were incapacitated, for example). She does have the right to take FMLA leave for her own minor child's serious health condition, which may include a difficult pregnancy or recovery from childbirth.

If the pregnant daughter is not a minor, then you could permit Grandma to take leave, but it won't be FMLA leave. That means she won't have a right to her job at the end of the leave, and she will still have 12 weeks of FMLA leave remaining should she need it later.